

Applicant or Patentee: David L. Morris

Serial or Patent No.: _____

Filed or Issued: _____

For: HEATER TUBE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27(c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN STANDARD HEATER TUBE INCORPORATEDADDRESS OF CONCERN P.O. Box 12412; 719 W. French Place, #3, San Antonio, Texas 78212

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled HEATER TUBE by inventor(s) David L. Morris described in

- the specification filed herewith
 application serial no. _____, filed _____
 patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David L. MorrisTITLE OF PERSON OTHER THAN OWNER PresidentADDRESS OF PERSON SIGNING P.O. Box 12412; 719 W. French Place, #3, San Antonio, Texas 78212SIGNATURE David L. Morris DATE 8-29-01

SOLE/Joint INVENTOR
ORIGINAL/SUBSTITUTE/CIP**DECLARATION**

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HEATER TUBE

as described in the specification [X] attached or [] of patent Application Serial No. , filed and amended on .

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application; and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificates listed below and have also identified below any foreign application(s) having a filing date before that of the application(s) on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35 United States Code § 120 of any United States application(s) listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States Application, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application: This utility patent application is based upon U.S. Provisional Patent Application Serial No. 60/229,624 filed August 31, 2001, entitled "Heater Tube."

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR David L. Morris	INVENTOR'S SIGNATURE <i>David L. Morris</i>	DATE 8-29-01
RESIDENCE 719 W. French Place, Apt. 3	CITIZENSHIP United States	
POST OFFICE ADDRESS San Antonio, Texas 78212		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

DAVID L. MORRIS

Filed:

Serial No.: Not Assigned Yet

For: HEATER TUBE

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Art Unit: Not Assigned Yet

Examiner: Not Assigned Yet

Docket No.: 065701.0008

POWER OF ATTORNEY BY ASSIGNEE

Under the provisions of 37 C.F.R. §§ 3.71 and 3.73(b), the undersigned assignee of record of the entire right, title and interest in the above-identified patent/patent application by virtue of an assignment recorded (check as applicable):

Concurrently Herewith
 Date Recorded _____
 Reel _____ Frame _____

elects to conduct the prosecution of the application/maintenance of the patent to the exclusion of the named inventor(s) or previous assignee(s). The undersigned hereby declares that he is an officer of Assignee and has reviewed the above-referenced assignment and hereby declares that, to the best of his knowledge, title is in the Assignee, STANDARD HEATER TUBE INCORPORATED and further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true. The Assignee hereby revokes any previous powers of attorney and appoints the following to prosecute this application, maintain this patent and transact all business in the Patent and Trademark Office connected therewith:

Charles W. Hanor, Reg. No. 27,132
Kirt S. O'Neill, Reg. No. 38,257

Please direct all communications to: **AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**, P.O. Box 12870, San Antonio, Texas 78205, (210) 281-7000, FAX: (210) 224-2035, to the attention of: Charles W. Hanor.

ASSIGNEE

**STANDARD HEATER TUBE
INCORPORATED**

Date: 8-29-01

By:

David L. Morris
Name: David L. Morris
Title: President